IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE 25TH DAY OF NOVEMBER TWO THOUSAND TWO HUNDRED AND FOUR

PRESENT:

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.10572 of 1997

Between:

1. Puli Koteswara Rao s/o. Narasimha Rao,

Hindu, aged about 40 years,

R/o.Vetapalem (Anumallipeta)

Vetapalem Mandal, Prakasam District.

2. Puli Srinivasa Rao, s/o. Kotaiah,

Hindu, aged about 30 years,

R/o.Anumallipeta, Vetapalem,

Vetapalem Mandal,

Prakasam District.

.. Petitioners

And

1. The Mandal Revenue Officer,

Vetapalem Mandal,

Prakasam District.

2. Sri Challa Janardhana Rao,

aged about 55 years,

President of Mandal Praja Parishad,

Vetapalem,

Prakasam District. .. Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, one in the nature of writ of mandamus declaring the action of the respondents in digging the drainage or irrigation channel or laying the road through the petitioners fields as arbitrary, illegal, unjust and violative of principles of natural justice and consequently direct the respondents not to interfere with petitioners peaceful possession and enjoyment of the land of an extent of Ac.2-00 situated in S.Nos.40/1 and 40/2 of Vetapalem village and Mandal, Prakasam District and pass such other suitable orders.

Counsel for the petitioners : V.S.Valluru

Counsel for the 1st respondent : Government Pleader for Revenue

Counsel for the 2nd respondent : -

The Court made the following :

ORDER:

The Writ Petition is filed for a writ of mandamus declaring the action of the respondents in digging the drainage or irrigation channel or laying the road through the petitioners fields as arbitrary, illegal, unjust and violative of principles of natural justice and consequently direct the respondents not to interfere with the petitioners peaceful possession and enjoyment of the land of an extent of Acs.2-00 situated in

S.Nos.40/1 and 40/2 of Vetapalem village and Mandal, Prakasam District and pass such other suitable orders.

This Court in W.P.M.P.No.12850/97 had granted interim direction directing the respondents not to interfere with petitioners peaceful possession and enjoyment of the aforesaid land. The terms and conditions of the petitioners is that at the behest of the 2nd respondent, the 1st respondent had been interfering without any just or reasonable cause with the land which had been assigned to them under D-Form pattas.

In view of the facts and circumstances referred to supra, the petitioners are directed to make a representation to the 1st respondent within a period of four weeks from today narrating the facts and the 1st respondent is directed to pass appropriate orders on such representation being made within a period of two months thereafter. Meanwhile, status-quo existing as on today to be maintained.

The Writ Petition is accordingly disposed of. No order as to costs.

P.S. Narayana.,J

Date : 25-11-2004

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To:

1. The Mandal Revenue Officer,

Vetapalem Mandal,

Prakasam District.

2. 2 copies to G.P. for Revenue,

High Court of A.P.

High Court Buildings,

Hyderabad. (OUT)

3. 2 C.D. copies